

A MEETING OF THE BOARD OF COMMISSIONERS  
OF THE CITY OF SODDY-DAISY, TENNESSEE, WAS  
HELD ON THURSDAY, APRIL 16, 2009 AT 7:00 P.M.

MEMBERS PRESENT:

MAYOR SHIPLEY

VICE-MAYOR PRIVETT

COMMISSIONER ADAMS

COMMISSIONER HARMON

COMMISSIONER SKILES

CITY ATTORNEY ELLIOTT

INTERIM MANAGER BURRIS

The minutes of the meeting held April 2, 2009 were approved as presented.

Citizen's Participation:

Janice Hixson, 213 Johnson Road, asked City Attorney Elliott if the city manager is accountable to the council. City Attorney Elliott stated yes. She then stated that the Board of Commissioners is not accountable to anyone. City Attorney Elliott stated they are accountable to the electorate on a 4-year basis. Mrs. Hixson stated that according to the Charter they cannot be impeached. City Attorney Elliott stated that they cannot be impeached or recalled as that is not in the City's Charter. He stated that a change could not be made unless they were convicted of a crime. Mrs. Hixson said that she felt reverse discrimination was going on in Soddy-Daisy and that City Attorney Elliott knew what she was talking about. City Attorney Elliott told her he did not know what she was talking about and she would have to make her questions clear. Mrs. Hixson said she was talking about Mrs. Cagle. She said that they say she resigned, but she was pressured to resign. City Attorney Elliott said that personally he was not for Mrs. Cagle having to leave her office, but that was not his decision to make. If she was asking if this was reverse discrimination then legally speaking it is not. She was an at will employee and if enough members of the Board decide they do not want her then that is their right. Mrs. Hixson questioned if in order to get a 7 member Commission this could be done by population. City Attorney Elliott stated that it could not, the Charter would have to be changed in Nashville. She asked if Commissioners terms could be changed to be elected only once instead of twice. City Attorney Elliott stated that if she could get legislature to change the Charter it could be changed to any time frame. The Charter is set in the Tennessee Code Annotated and only Nashville can change it. Mrs. Hixson told Commissioner Harmon that he owed Mrs. Cagle \$9,000 that he said he would personally pay her \$9,000 if she resigned. The \$9,000 the Commission voted on came from the tax payers and not from him. Commissioner Harmon stated that he had said he would make a motion and if Mrs. Hixson heard something else to please tell him.

Arnold Stulce, 141 Lewis Street, stated that he would like to state that this Commission serves at the privilege of the voters in Soddy-Daisy without remuneration. He said there were times when he saw action

that he did not necessarily agree with and that would most likely continue. He said that he felt that these people who serve the community do the best that they can, use the best judgement they can and do the best for the community and they should be commended. He said there were some things lately that had upset a lot of people, but it is time to stop the bickering and move on. It is time for everyone to support the City for which he is praying.

Old Business: None.

New Business:

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, AMENDING  
TITLE 9 OF THE MUNICIPAL CODE TO MORE SPECIFICALLY DEFINE  
TERMS RELATING TO ADULT-ORIENTED BUSINESSES.  
PUBLIC HEARING AND FIRST READING.

City Attorney Elliott stated that a lawsuit was made against the City of Knoxville relating to an Ordinance that is similar to the City’s that defines adult oriented businesses defining them as businesses that have a significant portion of their stock and trade in adult or sexually explicit materials. The Tennessee Supreme Court held that this was constitutionally infirm because what might be significant to one, may not be to another. The Court defined it in terms of principal business which is at least 33 1/3% of the goods and services described. This change is to make the City’s ordinance constitutionally firm as set forth in this case. During the public hearing Ronnie Payne, 8992 Lake Carolyn Lane, asked for a clarification again on the percentages. City Attorney Elliott replied that it was 33 1/3% of the business generated.

- 1<sup>st</sup> - Commissioner Adams
- 2<sup>nd</sup> - Vice-Mayor Privett
- Ayes - Unanimous

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, AMENDING  
THE ZONING ORDINANCE, ARTICLE V, SECTION 105.1.1.  
PUBLIC HEARING AND FIRST READING.

City Attorney Elliott stated that there had been a change to take the initial determination from the Board and give it to the City Manager for modular homes and we failed to change this for single wide mobile homes as well. This amendment will allow the City Manager to make this decision. No one was present in favor or in opposition.

- 1<sup>st</sup> - Commissioner Adams
- 2<sup>nd</sup> - Commissioner Harmon
- Ayes - Unanimous

AN ORDINANCE OF THE CITY OF SODDY-DAISY, TENNESSEE, AMENDING  
TITLE 1, CHAPTER 1, SECTION 1-102 OF THE MUNICIPAL CODE  
ESTABLISHING THE ORDER OF BUSINESS FOR CITY COMMISSION  
MEETINGS. PUBLIC HEARING AND FIRST READING.

Interim Manager Burris said that it had been requested to move citizen’s participation to the end of the

agenda so that if members of the Board needed to leave the meeting they could do so in a timely manner. Mayor Shipley asked for clarification, asking if a board member wanted to get up and leave then they could. Interim Manager Burris said that they can leave at any time. Mayor Shipley stated that they could leave after the business and if something else needed to be voted on then they might not have a quorum. City Attorney Elliott said the Board is free to change it at any time. Mayor Shipley stated he was not in favor of this change, saying the city is 40 years old this year and the citizens have always been able to address the Commission. He added that the 3-minute rule would take the voice of the people away. Vice-Mayor Privett said this hasn't been implemented. Vice-Mayor Privett said his intent was to put it down on the agenda far enough so that the people with business on the agenda can be heard and leave. Commissioner Adams questioned about ball teams, scouts, etc. Vice-Mayor Privett suggested moving citizen's participation to below new business. Mayor Shipley said he would agree to this move. Interim Manager Burris stated that recognitions and awards are normally held right after roll call.

- 1<sup>st</sup> - Vice-Mayor Privett - to approve the ordinance with the amendment to move the citizen's participation to after new business.
- 2<sup>nd</sup> - Commissioner Skiles

Mayor Shipley asked if anyone was present in favor or opposition to this. Ronnie Payne asked for the commission to be available for the meetings 100 percent and to be sure this change is not used as an escape from conflict. Margaret Chastain, 206 Northern Trail Drive, asked if the 3 people per subject limit is still a part of this ordinance. City Attorney Elliott stated that this ordinance does not change that. Commissioner Skiles stated that a Commissioner has never left a meeting early unless it was an emergency. Mayor Shipley stated that this change will only move the citizen's participation to just after new business.

Ayes - Unanimous

A RESOLUTION OF THE CITY OF SODDY-DAISY, TENNESSEE, TO  
COOPERATE IN CONTRACTING WITH THE TENNESSEE RISK  
MANAGEMENT POOL FOR RISK MANAGEMENT, INSURANCE,  
SELF-INSURANCE OR A COMBINATION THEREOF.

City Attorney Elliott stated that the Tennessee Municipal League is a creation of the Municipal Governments in Tennessee. The law allows cities to do things in a cooperative fashion. The TML has asked that this change be made to update the current contract. Interim Manager Burris stated that it is just a matter of housekeeping.

- 1<sup>st</sup> - Vice-Mayor Privett
- 2<sup>nd</sup> - Commissioner Adams
- Ayes - Unanimous

Interim Manager Burris reported that annual bids had been received on the asphalt and concrete. She

apologized for not having these in the packets, but handed copies to the Commission. She asked if the Board wanted to discuss this tonight or table until the next meeting to allow time for review of the bids. Vice-Mayor Privett asked for an estimated total tonage expected for next year and the road repair list. He said that he knew approximately 90 percent of the current list had been completed. Interim Manager Burris stated that it is close to budget time and that Public Works Director Renfro could prepare a new list for additional road work. It was the consensus of Board to delay action until the next meeting.

Interim Manager Burris stated that she is looking into various industrial park signs and will have a cost and design for Commission's review hopefully by the next meeting.

Interim Manager Burris stated that Codes Enforcement Officer Grant has been working on several condemnations for the last 6 to 7 months. He is now ready to send out 6 condemnation letters for hearings. She asked that these be scheduled for April 30<sup>th</sup> since this is a five Thursday month. It was the consensus of the Commission to set the hearings for April 30<sup>th</sup> at 5:00 p.m. Mayor Shipley asked if these houses were occupied. Interim Manager Burris stated they were not. She gave the Commission a list of the properties to be addressed at those hearings.

Interim Manager Burris announced an upcoming auction on Saturday, May 2<sup>nd</sup> at City Hall with viewing to begin at 8:00 a.m. and the auction to begin at 9:00 a.m.

Commissioner Adams stated that with budget time drawing near he would like to get an updated priority paving list from Public Works Director Renfro. He said that this year we will celebrate our 40<sup>th</sup> year as a City. He said that he knows that a shortage of time would prevent some big celebration but would like to see some type of acknowledgment and possibly tie it in with the July 4<sup>th</sup> celebration. It was the consensus of the Commission to tie the acknowledgment in with the July 4<sup>th</sup> celebration.

Commissioner Skiles addressed tobacco use on city hall property and in the municipal building. He said that he had been contacted regarding some of the police officers chewing tobacco in the building, spitting in the sinks and in the garbage cans. He said that when talking with the public these officers are chewing tobacco and carrying spit cups with them. He said this is very unprofessional while dealing with the public. Interim Manager Burris asked that she and the Police Chief be allowed to deal with this matter. Commissioner Skiles agreed.

Commissioner Skiles expressed his concern with the ball field lights being left on after the games have ended. He asked that Public Works Director Renfro address this with those using the fields. Vice-Mayor Privett stated that he has received calls in the past regarding lights left on at the South Park. He asked that a memo be sent to the police officers to instruct them to contact the person responsible. Mayor Privett

said that there are apparently several keys out to the light box and that perhaps the locks should be changed to prevent this.

Interim Manager Burris stated that the storage trailers at the park were recently bid. She said that no bids were received. The Soddy-Daisy Falling Water Utility District has contacted her about purchasing the trailers. Vice-Mayor Privett stated that he did not feel it was right to give the trailers to them, but suggested selling them for \$1.00 each. He said the Water Company works well with the City loaning equipment, etc. Vice-Mayor Privett estimated that it would cost between \$400 and \$500 each to move the trailers and made motion to sell the trailers to the Water Company for \$1.00 each. Commissioner Skiles asked if they would move the trailers at their expense even if they fell apart. It was noted that they would. Commissioner Adams seconded the motion and the ayes were unanimous.

Vice-Mayor Privett questioned if the signs on the municipal building said no smoking or tobacco free. Interim Manager Burris stated no smoking

Commissioner Harmon commended Bill Renfro and the Public Works Department for doing an excellent job during the recent storm. He said police and fire departments assisted in the clean up as well as individuals who brought their own equipment and helped.

Commissioner Harmon said that he felt that Mr. Payne's comments earlier in the meeting was not directed to him concerning attendance at commission meetings, but he had missed the last meeting due to his daughter who lives out of state having health problems.

Mayor Shipley said that Steve Hamby owns a piece of property located at the corner of Sequoyah and Dallas Hollow Roads. TVA created a large right-of-way in this area when Sequoyah Road was constructed. Mr. Hamby told the board that TVA had cut way back into the bank and it ran at a angle from Dallas Hollow Road to a telephone pole. He said he did not feel this was of any benefit to the City or anyone else. He asked the Board to look at abandoning a portion of the right-of-way. Mayor Shipley said in order to get the property on the tax roll it would have to be abandoned. City Attorney Elliott stated that the Commission can abandon right-of way by Ordinance, but the request would have to be heard by the Planning Commission first. He said Mr. Hamby would have to prepare the meets and bounds description for the area. Mayor Shipley stated that Mr. Hamby would also have to survey the property. City Attorney Elliott said that Mr. Hamby would have to make a formal request and present a survey of the property along with a full legal description to the Planning Commission. He would need to be very exact with what is to be abandoned. A brief discussion was held on the area to be abandoned. It was the consensus of the Commission to consider abandoning the right-of-way only in front of Mr. Hamby's property once all of the steps were completed. If other property owners wanted

to make a similar request they would have to file their own application.

Mayor Shipley commended the Public Works Department, the Commission and the previous Commission for the recreation parks and how good they look. He said he had received several calls commenting on how well the City does with its parks and ball fields. He noted that the new playground and little league field are getting a lot of use. The South Park now has better access and looks great. He again commended Public Works for their efforts.

ADJOURNMENT 7:53 P.M.

INTERIM MANAGER BURRIS